

**DURHAM, NORTH CAROLINA
MONDAY, AUGUST 18, 2003
6:00 P.M.**

Pursuant to the proper notification, the Durham City Council held a special meeting on the above date and time in the Council Chambers with the following members present: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden and Stith. Excused Absence: Council Member Edwards.

Also present: City Manager Marcia L. Conner, City Attorney Henry Blinder, City Clerk D. Ann Gray and Deputy City Clerk Linda Bratcher.

Mayor Bell called the special meeting to order.

MOTION by Council Member Stith seconded by Council Member Cole-McFadden to excuse Council Member Edwards from the meeting was approved at 6:01 p.m. by the following vote: Ayes: Mayor Bell and Council Members Best, Clement, Cole-McFadden and Stith. Noes: None. Absent at time of Vote: Mayor Pro Tempore Cheek. Excused Absence: Council Member Edwards.

**SUBJECT: EMPLOYMENT AND PUBLIC ACCOMMODATIONS
ORDINANCE**

To receive public comments on the suspension of the City of Durham's Employment and Public Accommodations Ordinance.

City Attorney Blinder noted Council took action to suspend the operation of the ordinance after review and analysis of the court decision in Orange County.

Assistant City Attorney Emanuel McGirt explained why the N.C. Supreme Court ruled that Orange County's employment discrimination ordinance and the enabling legislation that authorize the ordinance were both unconstitutional in the matter of Williams vs. Blue Cross Blue Shield vs. Orange County. Assistant City Attorney McGirt noted if Durham's employment ordinance is challenged it would be deemed unconstitutional.

Mayor Bell opened the public hearing.

Harvey McMurray, Chair of Human Relations Commission, noted the Human Relations Commission supports the suspension of ordinance and the City should take an active role in promoting the civil rights of the citizens of Durham by going back to the pre-1994 where the Commission processed cases without enabling legislation.

Eugene Brown, of 410 N. Buchanan Boulevard, recommended that the budget for the Human Relations Commission be reduced by 50 percent based on the Supreme Court Ruling with the savings be directed to the Latino community and the Police Department.

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Steve Hopkins, of 920-B Wadesboro Street, expressed a concern about the way this matter was handled and noted the issue has not been discussed with the NAACP and the Durham Committee on the Affairs of Black People.

Ralph McKinney, of 3104 Winston Road, made comments on protecting the civil and constitutional rights of everyone.

Steve Matherly, of 2022 W. Club Boulevard, noted discrimination does exist and the City should fight for this issue. He urged Council to receive additional feedback from the community due to the public hearing tonight not being sufficient.

Steve Lathrop, of 16 Arrowwood Court, urged Council to eliminate the Human Relations Department.

Dr. Jeffrey Elliot, of Human Relations Commission, made comments on the statewide effort being organized with legislators to enact legislation necessary to empower every city to initiate the Human Relations Department/Commission to enforce anti-discrimination legislation.

Stella Adams, of N C Fair Housing Center, spoke in support of the Human Relations Department and urged Council to utilize previous rules of procedures used by the department prior to the Employment and Public Accommodations Ordinance.

Marianna Breyer, of Human Relations Commission, noted this is a civil rights issue that will need the cooperation of the entire community.

Mayor Bell closed the public hearing.

Council Member Clement noted the Human Relations Commission is needed more than ever to speak out for the citizens who are being discriminated against and spoke in support of fighting for this issue and another public hearing to bring interested bodies together to review this issue before Council takes any action.

Shirley Price, of Human Relations Commission, spoke in opposition to the termination of the Human Relations Commission.

Council Member Cole-McFadden spoke in support of the Human Relations Commission/Department to make sure that everybody is being treated fairly in this community.

Council held discussion on the Orange County Ordinance.

City Attorney Blinder noted the administration is looking at one option of going back to something similar that was in place prior to 1994.

Assistant City Attorney McGirt briefed Council on the implication if ordinance is reinstated.

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Council Member Stith made comments on un-suspending the suspension of the ordinance.

Human Relations Director Yvonne Pena outlined response from EEOC's letter dated July 29, 2003 concerning the effect of Williams vs. Blue Cross Blue Shield on North Carolina FEPAs and the City Manager's letter dated July 31, 2003 to EEOC noting the suspension of ordinance and the deadline to complete all inventory of cases is August 31, 2003.

Mayor Bell made comments on the reason for the suspension of the ordinance, spoke in support of maintaining the suspension of ordinance, pursuing statewide legislation and noted that he doesn't support eliminating the Human Relations Department.

Several Council Members spoke in support of receiving additional comments from the public.

Council Member Cole-McFadden requested the City Manager to receive input from the Human Relations Commission on any discussion or proposal to come back to Council.

City Manager Conner noted Council will receive a report from the administration at the September 4, 2003 City Council Work Session.

MOTION by Council Member Clement seconded by Council Member Cole-McFadden to continue the public hearing to the September 15, 2003 City Council Meeting at 7:00 p.m. in order for the NAACP, People's Alliance, Durham Committee on the Affairs of Black People and other groups to meet concerning this matter was approved at 7:18 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden and Stith. Noes: None. Excused Absence: Council Member Edwards.

There being no further business to come before the City Council, the special meeting was adjourned at 7:18 p.m.

Linda E. Bratcher
Deputy City Clerk

D. Ann Gray, CMC
City Clerk